

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA
FIFTH DAY'S PROCEEDINGS**

**Thirty-First Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Monday, May 2, 2005

The Senate was called to order at 4:00 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

ABSENT

Hollis
Total - 1

The President of the Senate announced there were 36 Senators present and a quorum.

Prayer

The prayer was offered by Reverend Donald Hunt, following which the Senate joined in pledging allegiance to the flag of the United States of America lead by Terry Iles.

Reading of the Journal

On motion of Senator Cain, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 27, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 8—
BY SENATOR BROOME**

A CONCURRENT RESOLUTION

To designate April 28, 2005 as "Youth Personal Financial Literacy Day at the Louisiana State Capitol."

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 9—
BY SENATOR BROOME**

A CONCURRENT RESOLUTION

To designate and proclaim April 2005 as "Habitat for Humanity-Vinyl Partners Spirit Blitz Build Month" and recognize the work of Habitat for Humanity of Greater Baton Rouge, the Louisiana vinyl industry, the Vinyl Partners for Humanity, LSU School of Design, LSU Greek organizations, and other corporate and community partners working together to build six new homes in Baton Rouge and Plaquemine, and to urge Louisiana communities to support Habitat for Humanity projects across the state.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 21—

BY SENATORS HINES, ADLEY, AMEDEE, BAJOE, BARHAM, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, CRAVINS, DARDENNE, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO

A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of State Senator John J. Hainkel, Jr., former speaker of the House of Representatives and president of the Senate.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 22—

BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of L.A. "Buddy" Henagan, Mayor of DeQuincy.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 24—

BY SENATOR THEUNISSEN AND REPRESENTATIVE MORRISH

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Vincent J. Berken.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 27—

BY SENATOR THEUNISSEN

A CONCURRENT RESOLUTION

To recognize and commend Mark Musick upon the occasion of his retirement as president of the Southern Regional Education Board after more than two decades of distinguished service to the sixteen member states.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Messages from the President

The following messages from the President were received and read as follows:

Senate
State of Louisiana

April 28, 2005

Honorable Diana E. Bajoie
Senate President Pro Tempore
P. O. Box 15168
New Orleans, LA 70175

Dear Senator Bajoie:

In accordance with Senate Rule 13.1, I hereby appoint you to serve as a member of the **Senate Committee on Local and Municipal Affairs**.

Sincerely,
DONALD E. HINES

**Introduction of Senate Bills
and Joint Resolutions**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

SENATE BILL NO. 331—
BY SENATOR N. GAUTREAUX

AN ACT

To enact R.S. 47:301(10)(y) and (18)(k) and to repeal R.S. 47:305(A)(5), relative exemptions from sales and use tax levied by the state; to provide an exclusion from such tax for certain transactions related to crawfish harvesting and production; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Revenue and Fiscal Affairs.

SENATE BILL NO. 332—
BY SENATOR N. GAUTREAUX

AN ACT

To enact R.S. 33:3812(G), relative to waterworks districts; to increase the membership of the board of commissioners of the Southeast Waterworks District No. 2 of Vermilion Parish; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Local and Municipal Affairs.

SENATE BILL NO. 333—

BY SENATORS MALONE, ADLEY AND CHEEK AND REPRESENTATIVES MONTGOMERY, M. POWELL, JANE SMITH AND WADDELL

AN ACT

To amend and reenact R.S. 34:3158(A) and to enact R.S. 34:3158(D), relative to the Caddo-Bossier Parishes Port Commission; to provide relative to the composition, membership, powers, and duties of the port commission; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Transportation, Highways and Public Works.

SENATE BILL NO. 334—
BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 33:1236(30)(b)(i), (iii), (iv) and (vi) and 4876 relative to the powers of local governing authorities; to provide with respect to authorization of the St. Tammany Parish governing authority to require and compel property owners to remove trash, debris, junk, wrecked or used automobiles or motor vehicles, or other discarded items being stored or kept on

property; to provide for an effective date; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Local and Municipal Affairs.

**Introduction of Resolutions,
Senate and Concurrent**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 61—
BY SENATOR N. GAUTREAUX

A RESOLUTION

To offer the condolences of the Senate upon the death of Ron Tellefsen who, courageously and unknowingly to his beloved following, battled with non-Hodgkin's lymphoma.

On motion of Senator N. Gautreaux, the resolution was read by title and adopted.

SENATE RESOLUTION NO. 62—
BY SENATOR N. GAUTREAUX

A RESOLUTION

To commend Olympic gymnast Carly Patterson on her many accomplishments and her performance at the 2004 Summer Olympic Games in Athens.

On motion of Senator N. Gautreaux, the resolution was read by title and adopted.

SENATE RESOLUTION NO. 63—
BY SENATOR N. GAUTREAUX

A RESOLUTION

To commend Olympic wrestler Daniel Cormier for his many accomplishments and performance at the 2004 Summer Olympic Games in Athens.

On motion of Senator N. Gautreaux, the resolution was read by title and adopted.

SENATE RESOLUTION NO. 64—
BY SENATOR BROOME

A RESOLUTION

To recognize the importance of promoting women's health and well being in Louisiana, and to designate May 5, 2005, as "Go Red for Mothers and Women Day" in honor of all women, in Louisiana that have been touched by heart disease or stroke.

On motion of Senator Broome, the resolution was read by title and adopted.

SENATE RESOLUTION NO. 65—
BY SENATOR DARDENNE

A RESOLUTION

To commend Senate Assistant Sergeant-at-Arms Eugene LeDoux for being dubbed "King of the Lakes."

On motion of Senator Dardenne, the resolution was read by title and adopted.

SENATE CONCURRENT RESOLUTION NO. 28—
BY SENATOR N. GAUTREAUX

A CONCURRENT RESOLUTION

To urge and request BESE and the Board of Regents to study the grading systems adopted by school districts and individual high schools, and the rules for reporting grades adopted by the agency that administers the Tuition Opportunity Program for Students (TOPS), to determine whether students are receiving equitable consideration for a TOPS scholarship.

On motion of Senator Bajoie, the was read by title and referred to the Committee on Education.

SENATE CONCURRENT RESOLUTION NO. 29—
BY SENATOR N. GAUTREAUX AND REPRESENTATIVE FRITH
A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of former State Senator James E. Fontenot.

The resolution was read by title. Senator N. Gautreaux moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	McPherson
Adley	Dupre	Michot
Amedee	Ellington	Mount
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux B	Romero
Broome	Gautreaux N	Schedler
Cain	Jackson	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Cravins	Malone	
Dardenne	Marionneaux	
Total - 34		

NAYS

Total - 0

ABSENT

Heitmeier	Hollis	Jones
Total - 3		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 30—
BY SENATOR BAJOIE
A CONCURRENT RESOLUTION

To invite Chief Justice Pascal Calogero of the Louisiana Supreme Court to address a joint session of the legislature.

The resolution was read by title. Senator Bajoie moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Chaisson	Jackson	Theunissen
Cheek	Kostelka	Ullo
Cravins	Lentini	
Dardenne	Malone	
Total - 34		

NAYS

Total - 0

ABSENT

Hollis	Jones	Smith
Total - 3		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 31—
BY SENATOR MOUNT
A CONCURRENT RESOLUTION

To commend McNeese State University School of Nursing on the occasion of its fiftieth anniversary of training nurses to serve in the health care delivery system in Louisiana and throughout the nation.

The resolution was read by title. Senator Mount moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	
Total - 35		

NAYS

Total - 0

ABSENT

Hollis	Smith
Total - 2	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 32—
BY SENATOR BARHAM
A CONCURRENT RESOLUTION

To urge and request the Supreme Court of Louisiana to review its ruling in the case of Smith vs. Board of Trustees of the Louisiana State Employees Retirement System.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Retirement.

SENATE CONCURRENT RESOLUTION NO. 33—
BY SENATOR THEUNISSEN
A CONCURRENT RESOLUTION

To continue and revise the Cameron Parish Economic Development Task Force for the purpose of studying and making recommendations relative to economic development in Cameron Parish.

The resolution was read by title. Senator Theunissen moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
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Adley
Amedee
Bajoie
Barham
Boasso
Broome
Cain
Chaisson
Cheek
Cravins
Dardenne
Total - 36

Dupre
Ellington
Fields
Fontenot
Gautreaux B
Gautreaux N
Heitmeier
Jackson
Jones
Kostelka
Lentini

Marionneaux
McPherson
Michot
Mount
Murray
Nevers
Romero
Schedler
Smith
Theunissen
Ullo

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 34—

BY SENATORS DARDENNE, AMEDEE, BOASSO, MALONE AND MICHOT AND REPRESENTATIVES M. GUILLORY, HAMMETT, MONTGOMERY, T. POWELL, QUEZAIRE, ROBIDEAUX AND SCHNEIDER

A CONCURRENT RESOLUTION

To commend the recipients of the 2005 Louisiana Young Heroes Award.

The resolution was read by title. Senator Dardenne moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Adley
Amedee
Bajoie
Barham
Boasso
Broome
Cain
Chaisson
Cheek
Cravins
Dardenne
Total - 35

Duplessis
Dupre
Ellington
Fields
Fontenot
Gautreaux B
Gautreaux N
Heitmeier
Jackson
Jones
Kostelka
Lentini

Malone
Marionneaux
Michot
Mount
Murray
Nevers
Romero
Schedler
Smith
Theunissen
Ullo

NAYS

Total - 0

ABSENT

Hollis
Total - 2
McPherson

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 2, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 128—

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:301(3)(i)(ii)(bb), relative to the state sales and use tax; to define manufacturer to include certain exemptions for manufacturing machinery and equipment; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 131—

BY REPRESENTATIVE HAMMETT

AN ACT

To repeal R.S. 47:305.5, relative to the exemption from state and local sales and use tax for materials used in the construction of the Toledo Bend Dam Project; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 132—

BY REPRESENTATIVE HAMMETT

AN ACT

To repeal R.S. 47:305.22, relative to the exemption from sales tax on certain types of mobile, motorized equipment that retail dealers withdraw from inventory for rental as a method of promoting sales; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 156—

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:605.1(A), relative to the corporation franchise tax; to specify the amount of excess related party debt that shall be included in capital stock and surplus and undivided profits; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 513—

BY REPRESENTATIVES HAMMETT, BOWLER, DANIEL, DEWITT, ERDEY, FAUCHEUX, GEYMAN, HEATON, HEBERT, JOHNS, KENNEY, LANCASTER, MARTINY, MCDONALD, ODINET, JACK SMITH, TOWNSEND, AND WOOTON AND SENATORS CHEEK, ELLINGTON, B. GAUTREAUX, N. GAUTREAUX, HINES, MICHOT, MOUNT, AND SCHEDLER

AN ACT

To repeal R.S. 47:301(16)(i)(iv), relative to state sales and use tax; to remove restrictions on exclusion from state and local sales and use taxes for digital television and digital radio conversion equipment; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 719—

BY REPRESENTATIVE HAMMETT

AN ACT

To repeal R.S. 47:303(B)(6), relative to the sales tax recovery charge on automobile rental contracts; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 741—

BY REPRESENTATIVE DURAND

AN ACT

To amend and reenact R.S. 47:305.10(F), relative to the sales and use tax; to provide for the exemption from taxation for certain repairs to property used in offshore areas; and to provide for related matters.

HOUSE BILL NO. 506—

BY REPRESENTATIVE JOHN SMITH
AN ACT

To amend and reenact R.S. 35:392.1(B), relative to ex officio notaries public; to provide for the authority of a clerk of court and deputy clerk of court as ex officio notaries public; to remove provisions relative to the validity of documents notarized within the course and scope of employment; and to provide for related matters.

HOUSE BILL NO. 541—

BY REPRESENTATIVE DARTEZ
AN ACT

To amend and reenact R.S. 9:1515(A), relative to the employer's payment of deceased employees' last wages to the surviving spouse or children of the deceased; to delete the limitation on the amount paid by the employer; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 686—

BY REPRESENTATIVE R. CARTER
AN ACT

To amend and reenact Code of Civil Procedure Article 1734(A) and R.S. 13:3044(B)(5)(b)(ii), relative to the bond for costs related to a civil jury trial; to change the time for filing the bond; to provide for the date of mailing the jury summons; and to provide for related matters.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE BILL NO. 128—

BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 47:301(3)(i)(ii)(bb), relative to the state sales and use tax; to define manufacturer to include certain exemptions for manufacturing machinery and equipment; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 131—

BY REPRESENTATIVE HAMMETT
AN ACT

To repeal R.S. 47:305.5, relative to the exemption from state and local sales and use tax for materials used in the construction of the Toledo Bend Dam Project; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 132—

BY REPRESENTATIVE HAMMETT
AN ACT

To repeal R.S. 47:305.22, relative to the exemption from sales tax on certain types of mobile, motorized equipment that retail dealers withdraw from inventory for rental as a method of promoting sales; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 156—

BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 47:605.1(A), relative to the corporation franchise tax; to specify the amount of excess related party debt that shall be included in capital stock and surplus and undivided

profits; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 506—

BY REPRESENTATIVE JOHN SMITH
AN ACT

To amend and reenact R.S. 35:392.1(B), relative to ex officio notaries public; to provide for the authority of a clerk of court and deputy clerk of court as ex officio notaries public; to remove provisions relative to the validity of documents notarized within the course and scope of employment; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 513—

BY REPRESENTATIVES HAMMETT, BOWLER, DANIEL, DEWITT, ERDEY, FAUCHEUX, GEYMAN, HEATON, HEBERT, JOHNS, KENNEY, LANCASTER, MARTINY, MCDONALD, ODINET, JACK, SMITH, TOWNSEND, AND WOOTON AND SENATORS CHEEK, ELLINGTON, B. GAUTREAUX, N. GAUTREAUX, HINES, MICHOT, MOUNT, AND SCHEDLER

AN ACT

To repeal R.S. 47:301(16)(i)(iv), relative to state sales and use tax; to remove restrictions on exclusion from state and local sales and use taxes for digital television and digital radio conversion equipment; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 541—

BY REPRESENTATIVE DARTEZ
AN ACT

To amend and reenact R.S. 9:1515(A), relative to the employer's payment of deceased employees' last wages to the surviving spouse or children of the deceased; to delete the limitation on the amount paid by the employer; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 686—

BY REPRESENTATIVE R. CARTER
AN ACT

To amend and reenact Code of Civil Procedure Article 1734(A) and R.S. 13:3044(B)(5)(b)(ii), relative to the bond for costs related to a civil jury trial; to change the time for filing the bond; to provide for the date of mailing the jury summons; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 719—

BY REPRESENTATIVE HAMMETT
AN ACT

To repeal R.S. 47:303(B)(6), relative to the sales tax recovery charge on automobile rental contracts; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 741—

BY REPRESENTATIVE DURAND
AN ACT

To amend and reenact R.S. 47:305.10(F), relative to the sales and use tax; to provide for the exemption from taxation for certain repairs to property used in offshore areas; and to provide for related matters.

The bill was read by title; lies over under the rules.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

April 28, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 66—
BY REPRESENTATIVE KLECKLEY**

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Max Edwin Jones of Lake Charles.

**HOUSE CONCURRENT RESOLUTION NO. 67—
BY REPRESENTATIVES DOWNS AND GALLOT AND SENATOR KOSTELKA**

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Fred Higginbotham of Ruston.

**HOUSE CONCURRENT RESOLUTION NO. 68—
BY REPRESENTATIVE DURAND AND SENATOR MCPHERSON**

A CONCURRENT RESOLUTION

To designate the month of May 2005 as Amyotrophic Lateral Sclerosis (ALS) Awareness Month.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

May 2, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 69—
BY REPRESENTATIVE FRITH AND SENATOR N. GAUTREAUX**

A CONCURRENT RESOLUTION

To commend Columbia Gulf Transmission Company upon the occasion of its fiftieth anniversary and for its many contributions to the state and nation.

**HOUSE CONCURRENT RESOLUTION NO. 70—
BY REPRESENTATIVE CRAVINS**

A CONCURRENT RESOLUTION

To commend and recognize the Stroke Task Force, the American Stroke Association, and the office of public health and bureau of emergency medical services of the Department of Health and Hospitals for their work in developing recommendations to improve care for stroke victims.

**HOUSE CONCURRENT RESOLUTION NO. 71—
BY REPRESENTATIVE FRITH**

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Leonard Gayle of Lafayette.

**HOUSE CONCURRENT RESOLUTION NO. 72—
BY REPRESENTATIVE WINSTON**

A CONCURRENT RESOLUTION

To express and declare the support of the Legislature of Louisiana of efforts to enhance public awareness of the tragic social problem of child abuse and neglect and its corresponding relationship to crime and delinquency, drug and alcohol abuse, domestic violence, and welfare dependency.

**HOUSE CONCURRENT RESOLUTION NO. 73—
BY REPRESENTATIVES DORSEY AND WINSTON**

A CONCURRENT RESOLUTION

To recognize May 3, 2005, as Court Appointed Special Advocate (CASA) Day at the Louisiana State Capitol and to commend the thirteen CASA programs across the state.

**HOUSE CONCURRENT RESOLUTION NO. 74—
BY REPRESENTATIVE JANE SMITH**

A CONCURRENT RESOLUTION

To designate May 5, 2005, as "Go Red for Mothers and Women Day".

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

House Concurrent Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 66—
BY REPRESENTATIVE KLECKLEY**

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Max Edwin Jones of Lake Charles.

The resolution was read by title. Senator Mount moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 67—
BY REPRESENTATIVES DOWNS AND GALLOT AND SENATOR KOSTELKA

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Fred Higginbotham of Ruston.

The resolution was read by title. Senator Kostelka moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 68—
BY REPRESENTATIVE DURAND AND SENATOR MCPHERSON
A CONCURRENT RESOLUTION

To designate the month of May 2005 as Amyotrophic Lateral Sclerosis (ALS) Awareness Month.

The resolution was read by title. Senator Romero moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 69—
BY REPRESENTATIVE FRITH AND SENATOR N. GAUTREAUX
A CONCURRENT RESOLUTION

To commend Columbia Gulf Transmission Company upon the occasion of its fiftieth anniversary and for its many contributions to the state and nation.

The resolution was read by title. Senator N. Gautreaux moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 70—
BY REPRESENTATIVE CRAVINS
A CONCURRENT RESOLUTION

To commend and recognize the Stroke Task Force, the American Stroke Association, and the office of public health and bureau of emergency medical services of the Department of Health and Hospitals for their work in developing recommendations to improve care for stroke victims.

The resolution was read by title. Senator Cravins moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis

Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 71—

BY REPRESENTATIVE FRITH

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Leonard Gayle of Lafayette.

The resolution was read by title. Senator Michot moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis

Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 72—

BY REPRESENTATIVE WINSTON

A CONCURRENT RESOLUTION

To express and declare the support of the Legislature of Louisiana for efforts to enhance public awareness of the tragic social problem of child abuse and neglect and its corresponding relationship to crime and delinquency, drug and alcohol abuse, domestic violence, and welfare dependency.

The resolution was read by title. Senator Nevers moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray

Broome
Cain
Chaisson
Cheek
Cravins
Dardenne
Total - 36

Gautreaux N
Heitmeier
Jackson
Jones
Kostelka
Lentini

Nevers
Romero
Schedler
Smith
Theunissen
Ullo

NAYS

Total - 0

ABSENT

Hollis

Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 73—

BY REPRESENTATIVES DORSEY AND WINSTON

A CONCURRENT RESOLUTION

To recognize May 3, 2005, as Court Appointed Special Advocate (CASA) Day at the Louisiana State Capitol and to commend the thirteen CASA programs across the state.

The resolution was read by title. Senator Nevers moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis

Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 74—

BY REPRESENTATIVE JANE SMITH

A CONCURRENT RESOLUTION

To designate May 5, 2005, as "Go Red for Mothers and Women Day".

The resolution was read by title. Senator Broome moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
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Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo

Total - 36

NAYS

Total - 0

ABSENT

Hollis

Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

Rules Suspended

Senator Marionneaux asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Senate Resolutions to be Adopted, Subject to Call

The following Senate Resolutions to be adopted, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Marionneaux asked that Senate Resolution No. 17 be called from the Calendar at this time.

SENATE RESOLUTION NO. 17—

BY SENATOR MARIONNEAUX

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army Sergeant Rene Knox, Jr., upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and adopted.

Regular Order of the Day Resumed

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

NATURAL RESOURCES

Senator Malone, Chairman on behalf of the Committee on Natural Resources, submitted the following report:

April 28, 2005

To the President and Members of the Senate:

I am directed by your Committee on Natural Resources to submit the following report:

SENATE BILL NO. 224—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 47:303(D) and R.S. 56:6(21), and 303(D) and (E), and to enact R.S. 34:851.2(12) and 851.37, relative to a system of special certificate agents; to provide for such agents to collect motorboat or sailboat registration certificate fees and to issue registration certificates and decals; to provide for such agents to collect commercial fisherman's license fees and to issue commercial fisherman's licenses, and to provide for related matters.

Reported favorably

SENATE BILL NO. 251—

BY SENATOR MALONE

AN ACT

To enact Part 6 of Chapter 13 of Title 31 of the Louisiana Revised Statutes of 1950, comprised of R.S. 31:216, relative to mineral rights and interests; to provide relative to certain unsolicited offers for lease or purchase of mineral rights or interests; to provide certain terms, conditions, requirements, and effects of such unsolicited offers; and to provide for related matters.

Reported with amendments

SENATE BILL NO. 311—

BY SENATOR BOASSO

AN ACT

To amend and reenact R.S. 27:392(B)(4) and to enact Chapter 12-A of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1370 through 1377, all relative to waterways infrastructure and development; to create the Louisiana Waterways Infrastructure and Development Fund and the Louisiana Waterways Infrastructure Development Bank; to provide for the dedication of certain gaming proceeds to the fund; to provide funding for waterways and infrastructure development from various sources; to provide for an effective date; and to provide for related matters.

Reported with amendments

Respectfully submitted,
MAX T. MALONE
Chairman

NICK GAUTREAUX
Vice-Chairman

REPORT OF COMMITTEE ON

EDUCATION

Senator Ullo, Chairman on behalf of the Committee on Education, submitted the following report:

April 28, 2005

To the President and Members of the Senate:

I am directed by your Committee on Education to submit the following report:

SENATE BILL NO. 19—

BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(e)(xiii), relative to the Louisiana Tuition Opportunity Program for Students curriculum; to specify the subjects in the core curriculum available as an elective in the subjects of math and science for receipt of a program award for students graduating during or after a specified school year; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 39—
BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 24:971(B)(1), 972(A)(18), (B) and (C), and 973(A)(1), and to enact R.S. 24:972(A)(23) and 973(B), relative to the Louisiana Commission on Civic Education; to increase membership; to provide for purposes, powers and duties; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 65—
BY SENATOR KOSTELKA

AN ACT

To enact R.S. 17:85.11, relative to powers and duties of school boards; to authorize the Ouachita Parish School Board to name an athletic facility at the former Calhoun High School in honor of Jerry Lee Lovett, Sr.; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 100—
BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 29:36.1(A) and (B), relative to exemption from tuition charges for service in the Louisiana National Guard; to extend eligibility for tuition exemption charges to include the period of commitment in the inactive ready reserve; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 129—
BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 17:3095(A)(1)(b), (c) and (2) and to enact R.S. 47:293(6)(a)(viii) and 1205(D), relative to enhancements to the Louisiana Student Tuition Assistance and Revenue Trust Program; to increase the taxable state income exclusion for married couples; to allow certain deposits over five years to be excluded from the state gift tax provisions so as to conform with the federal gift tax provisions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 218—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 39:330(B)(3) and (4) and to enact R.S. 39:330(B)(5) and 330.4, relative to property control; to provide for the acquisition of surplus computer equipment by certain public educational institutions; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 236—
BY SENATOR ULLO AND REPRESENTATIVE CRANE

AN ACT

To enact R.S. 17:7.1(B)(3), relative to certification of principals; to provide for experience requirements; to provide for exceptions and recommendation requirements; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 239—
BY SENATOR ULLO

AN ACT

To amend and reenact R.S. 17:24.10 and 3995(C), relative to charter schools; to authorize all types of charter schools to apply directly to the state Department of Education to participate in the LA 4 program; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 249—
BY SENATOR MOUNT

AN ACT

To authorize and provide for the transfer of certain immovable property located in Calcasieu Parish from the Chennault International Airport Authority to the Board of Supervisors of Community and Technical Colleges, for the use and benefit of its Sowela Campus, in exchange for forgiveness of a certain debt owed by the authority to the state of Louisiana; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CHRIS ULLO
Chairman

REPORT OF COMMITTEE ON

LOCAL AND MUNICIPAL AFFAIRS

Senator Fields, Chairman on behalf of the Committee on Local and Municipal Affairs, submitted the following report:

April 28, 2005

To the President and Members of the Senate:

I am directed by your Committee on Local and Municipal Affairs to submit the following report:

SENATE BILL NO. 45—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 33:4754(C)(1)(a), relative to liens for removal and securing dangerous structures by certain parishes and municipalities; to include the Terrebonne Parish assessor within the definition of "equivalent officer" for the purposes of certain actions; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 54—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 38:3086.23(A) and (B) and to enact R.S. 38:3086.22(D), relative to the Bayou Lafourche Fresh Water District; to authorize the inclusion of Terrebonne Parish within the district under certain terms, conditions and requirements; to provide relative to membership and composition of the district board; to require prior approval of the Terrebonne Parish Council and voters of Terrebonne Parish; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 79—
BY SENATOR DUPRE

AN ACT

To enact R.S. 33:9356, relative to veterans' memorial districts; to provide relative to the Veterans' Memorial District of Ward 10 of Lafourche Parish; to provide for a board of commissioners; to provide relative to board membership, composition, selection, powers and duties, and to provide for related matters.

Reported favorably.

Respectfully submitted,
CLEO FIELDS
Chairman

REPORT OF COMMITTEE ON

LABOR AND INDUSTRIAL RELATIONS

May 2, 2005

April 28, 2005

To the President and Members of the Senate:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

SENATE BILL NO. 57—
BY SENATOR DUPLESSIS

AN ACT

To enact Part XIII of Chapter 9 of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:1018.1 and 1018.2, relative to employment; to provide with respect to the federal Earned Income Tax Credit; to require employers to inform new employees of the federal Earned Income Tax Credit at the time of hire; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
BEN NEVERS
Chairman

**Senate Bills and Joint Resolutions on
Third Reading
and Final Passage**

The following Senate Bills and Joint Resolutions on Third Reading and Final Passage were taken up and acted upon as follows:

SENATE BILL NO. 48—
BY SENATOR THEUNISSEN

AN ACT

To enact R.S. 38:1871, relative to gravity drainage and sub-drainage districts; to provide relative to civil immunity from liability for certain matters; to provide terms and conditions; to provide an effective date; and to provide for related matters.

The bill was read by title. Senator Theunissen moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 33		

NAYS

Cain	Dupre	Marionneaux
Total - 3		

ABSENT

Hollis
Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 73—

BY SENATOR N. GAUTREAUX

AN ACT

To provide for the taking of income and franchise tax credits for donations to certain playgrounds or recreational areas on amended returns; and to provide for related matters.

The bill was read by title. Senator N. Gautreaux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator N. Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 74—

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 39:1405.3(B), relative to the issuance of industrial revenue bonds; to require the approval of the issuance of such bonds by certain local governmental entities in Bossier Parish prior to State Bond Commission approval; and to provide for related matters.

The bill was read by title. Senator Adley moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis

Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator Adley moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 75—

BY SENATOR ADLEY

AN ACT

To amend and reenact Code of Civil Procedure Article 4843(H) and (I), relative to the jurisdiction of city courts; to provide relative to the City Court of Springhill; to increase the jurisdictional amount in dispute; and to provide for related matters.

The bill was read by title. Senator Adley moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Lentini	Ullo
Dardenne	Malone	
Total - 35		

NAYS

Total - 0

ABSENT

Hollis

Kostelka

Total - 2

The Chair declared the bill was passed. The title was read and adopted. Senator Adley moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Personal Privilege

Senator Kostelka asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on Senate Bill No. 75. He had intended to vote nay on the bill. He asked that the Official Journal so state.

SENATE BILL NO. 109—

BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 3:555.8(B) and (C) and 555.9(A)(1), relative to the Louisiana Beef Industry Council; to authorize the council to increase the state assessment for participation in the Louisiana Beef Promotion and Research Program; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Chaisson	Heitmeier	Schedler
Cheek	Jackson	Smith
Cravins	Jones	Theunissen
Dardenne	Lentini	Ullo
Total - 33		

NAYS

Total - 0

ABSENT

Cain

Kostelka

Hollis

Michot

Total - 4

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 111—

BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 38:27, relative to damage claims against the state, its agencies, or employees; to provide relative to such claims involving the failure, operation, or approval of a dam located in this state; to define "dam"; to include the Toledo Bend Dam in such definition; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Michot
Adley	Ellington	Mount
Bajoie	Gautreaux B	Murray
Barham	Gautreaux N	Nevers
Boasso	Heitmeier	Romero
Broome	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Dardenne	Malone	
Duplessis	McPherson	
Total - 31		

NAYS

Cain

Fields

Marionneaux

Total - 3

ABSENT

Amedee

Fontenot

Hollis

Total - 3

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 130—
BY SENATOR ROMERO

AN ACT

To enact R.S. 9:203(E)(4), relative to marriage officiants, judges, and justices of the peace; to extend the authority for certain federal judges to preside over a marriage ceremony between May 16, 2005 and June 4, 2005; and to provide for related matters.

The bill was read by title. Senator Romero moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Bajoie	Ellington	Michot
Barham	Fields	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Malone	Ullo
Total - 33		

NAYS

Total - 0

ABSENT

Amedee	Hollis
Fontenot	Lentini
Total - 4	

The Chair declared the bill was passed. The title was read and adopted. Senator Romero moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 131—
BY SENATOR BAJOE

AN ACT

To amend and reenact R.S. 47:301(10)(y) and (18)(k), relative to state and political subdivision sales and use tax; to grant an exclusion from such tax for organizations which donate toys to children; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 131 by Senator Bajoie

AMENDMENT NO. 1

On page 1, line 2, following "to" and before "R. S." change "amend and reenact" to "enact"

AMENDMENT NO. 2

On page 1, line 16, following "**Section**" and before "**of the**" change "**501 (3) (c)**" to "**501 (c) (3)**"

AMENDMENT NO. 3

On page 2, line 15, following "**Section**" and before "**of the**" change "**501 (3) (c)**" to "**501 (c) (3)**"

AMENDMENT NO. 4

On page 2, line 19, change "Paragraph" to "Items"

On motion of Senator Lentini, the amendments were adopted.

The bill was read by title. Senator Bajoie moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Bajoie	Fields	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Dardenne	Malone	
Duplessis	Marionneaux	
Total - 34		

NAYS

Total - 0

ABSENT

Amedee	Fontenot	Hollis
Total - 3		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Bajoie moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 138—
BY SENATOR MALONE

AN ACT

To amend and reenact R.S. 47:296.2(C), 296.3(C), and 1516.1(G)(2) and to enact R.S. 47:1584, relative to collection of taxes; to provide for an innocent spouse rule for the collection of taxes and related amounts; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 138 by Senator Bajoie

AMENDMENT NO. 1

On page 3, line 6, following "of" and before "had" change "and," to ", and"

On motion of Senator Lentini, the amendments were adopted.

The bill was read by title. Senator Malone moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Bajoie	Fields	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers

Broome
Cain
Chaisson
Cheek
Cravins
Dardenne
Duplessis
Total - 34

Heitmeier
Jackson
Jones
Kostelka
Lentini
Malone
Marionneaux

Romero
Schedler
Smith
Theunissen
Ullo

NAYS

Total - 0

ABSENT

Amedee
Total - 3

Fontenot

Hollis

The Chair declared the amended bill was passed. The title was read and adopted. Senator Malone moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Ullo asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Introduction of Senate Concurrent Resolutions

The following Senate Concurrent Resolutions, were introduced and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 35— BY SENATOR JONES

A CONCURRENT RESOLUTION

To urge and request the Secretary of State to remove the date of birth and social security number from voter notice of registration form.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Senate and Governmental Affairs.

SENATE CONCURRENT RESOLUTION NO. 36— BY SENATOR ADLEY

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to develop and adopt a Minimum Foundation Program Formula that provides for the reallocation of the amount of state funds attributable to a secondary school student who is enrolled in a technical college from the city, parish, or other local public school system where the student attends to the technical college in which he is enrolled.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Education.

Motion to Recommit

Senator Duplessis asked for and obtained a suspension of the rules and recommitted Senate Bill No. 319 from the Committee on Judiciary B to the Committee on Judiciary C.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

REVENUE AND FISCAL AFFAIRS

Senator Mount, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

May 2, 2005

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

SENATE BILL NO. 30— BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 47:44.1(A), relative to income tax; to recognize and affirm an administrative construction regarding an exemption for annual retirement income by making the Act retroactive; to provide for an exemption for couples filing jointly; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 137— BY SENATOR DARDENNE

AN ACT

To enact R.S. 22:1265 (D) and R.S. 33:1359 (F), relative to certain premium taxes paid on excess insurance premiums; to exempt premiums paid by certain interlocal risk management agencies; and to provide for related matters.

Reported favorably.

Respectfully submitted,
WILLIE MOUNT
Chairman

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

April 28, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 2—

BY REPRESENTATIVES CROWE, BURNS, T. POWELL, SCHNEIDER, STRAIN AND WINSTON AND SENATORS BOASSO, HAINKEL, NEVERS AND SCHEDLER

A CONCURRENT RESOLUTION

To commend Nvision Solutions as the recipient of the 2004 Governor's Technology Award for Innovator of the Year and to recognize its outstanding contributions to technology in Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 3—

BY REPRESENTATIVES CROWE, BURNS, T. POWELL, SCHNEIDER, STRAIN AND WINSTON AND SENATORS BOASSO, HAINKEL, NEVERS AND SCHEDLER

A CONCURRENT RESOLUTION

To commend PamLab, L.L.C. for being named the Governor's 2004 Technology Awards Company of the Year and to recognize its outstanding contributions to technology in Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 5—

BY REPRESENTATIVES DOWNS AND GALLOT AND SENATOR KOSTELKA

A CONCURRENT RESOLUTION

To recognize the third Saturday in May annually as Friedreich's Ataxia Awareness Day in support of raising awareness of and searching for a cure for Friedreich's Ataxia.

HOUSE CONCURRENT RESOLUTION NO. 6—

BY REPRESENTATIVE STRAIN

A CONCURRENT RESOLUTION

To recognize September of 2005 as Parent Teacher Association Month in Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 8—

BY REPRESENTATIVES BRUCE, BAYLOR, BURRELL, DOERGE, GLOVER, HOPKINS, MONTGOMERY, M. POWELL, SALTER, JANE SMITH AND WADDELL AND SENATORS ADLEY, CHEEK, JACKSON AND MALONE

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of W. Peyton Shehee, Jr. of Shreveport and to recognize his singular accomplishments and contributions.

HOUSE CONCURRENT RESOLUTION NO. 9—

BY REPRESENTATIVE SALTER

A CONCURRENT RESOLUTION

To commend the Public Administration Institute Student Association (PAISA) at Louisiana State University and to recognize April 13, 2005, as the seventh annual PAISA Day.

HOUSE CONCURRENT RESOLUTION NO. 10—

BY REPRESENTATIVES BRUCE, BAYLOR, BURRELL, DOERGE, GLOVER, HOPKINS, MONTGOMERY, M. POWELL, SALTER, JANE SMITH AND WADDELL AND SENATORS ADLEY, CHEEK, JACKSON AND MALONE

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of former state legislator Algie Dee Brown of Shreveport and the enduring gratitude of the members for his outstanding contributions to Caddo Parish and the state of Louisiana, particularly during his twenty-four-year tenure as a distinguished member of the Louisiana House of Representatives.

HOUSE CONCURRENT RESOLUTION NO. 11—

BY REPRESENTATIVES SALTER, CRANE, AND THOMPSON AND SENATORS HINES, THEUNISSEN, AND ULLO

A CONCURRENT RESOLUTION

To commend Mark Musick upon his retirement as president of the Southern Regional Education Board, to recognize and record his myriad accomplishments and his remarkable contributions to the field of education, and to extend to him best wishes as he embarks upon new challenges and endeavors.

HOUSE CONCURRENT RESOLUTION NO. 12—

BY REPRESENTATIVE SCHNEIDER

A CONCURRENT RESOLUTION

To commend Robert P. "Bob" Roth, Jr. of Hammond for his contributions to the state of Louisiana and the Louisiana Department of Transportation and Development upon the occasion of his retirement after thirty-four years of service.

HOUSE CONCURRENT RESOLUTION NO. 13—

BY REPRESENTATIVE BRUNEAU AND SENATOR HAINKEL

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of United States District Court Judge Morey L. Sear.

HOUSE CONCURRENT RESOLUTION NO. 14—

BY REPRESENTATIVE BRUNEAU AND SENATOR HAINKEL

A CONCURRENT RESOLUTION

To commend Vincent "V. J." Bella and to express enduring gratitude for his outstanding contributions to the state of Louisiana, particularly during his tenure as state fire marshal and as a member of the legislature.

HOUSE CONCURRENT RESOLUTION NO. 15—

BY REPRESENTATIVE WRIGHT

A CONCURRENT RESOLUTION

To commend Lea Booker upon her recognition as a Distinguished Finalist in the 2005 Prudential Spirit of Community Awards.

HOUSE CONCURRENT RESOLUTION NO. 16—

BY REPRESENTATIVE BRUNEAU

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of James A. Comiskey, Sr. of New Orleans.

HOUSE CONCURRENT RESOLUTION NO. 20—

BY REPRESENTATIVES MCDONALD, HUNTER, KATZ, KENNEY, THOMPSON, AND WALSWORTH AND SENATORS BARHAM, JONES, AND KOSTELKA

A CONCURRENT RESOLUTION

To commend Mike Vining upon his retirement as head coach of the University of Louisiana at Monroe men's basketball team.

HOUSE CONCURRENT RESOLUTION NO. 23—

BY REPRESENTATIVE TOWNSEND

A CONCURRENT RESOLUTION

To designate the month of October annually as Creole Heritage Month.

HOUSE CONCURRENT RESOLUTION NO. 24—

BY REPRESENTATIVE SALTER

A CONCURRENT RESOLUTION

To commend Tom Jaques upon his retirement as State Librarian of Louisiana and to recognize and record his singular contributions during three decades of highly effective and productive public service.

HOUSE CONCURRENT RESOLUTION NO. 26—

BY REPRESENTATIVE LAFLEUR AND SENATOR HINES

A CONCURRENT RESOLUTION

To designate the second full week of September annually as Louisiana Chambers of Commerce Appreciation Week.

HOUSE CONCURRENT RESOLUTION NO. 30—

BY REPRESENTATIVE ERDEY AND SENATOR FONTENOT

A CONCURRENT RESOLUTION

To commend and celebrate the accomplishments of Marcus A. Hughes of the Boy Scouts of America on the memorable and historic occasion of his attainment of the prestigious rank of Eagle Scout.

HOUSE CONCURRENT RESOLUTION NO. 32—

BY REPRESENTATIVES WHITE AND ERDEY AND SENATOR FONTENOT

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana to the family of former state representative Ernest Bernard Carrier, Sr. of Denham Springs and the enduring gratitude of the members for his outstanding contributions to Livingston Parish and the state of Louisiana, particularly during his eight-year tenure as a distinguished member of the House of Representatives.

HOUSE CONCURRENT RESOLUTION NO. 33—

BY REPRESENTATIVE KLECKLEY

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Judge John A. Patin.

HOUSE CONCURRENT RESOLUTION NO. 34—

BY REPRESENTATIVE ERDEY AND SENATOR FONTENOT

A CONCURRENT RESOLUTION

To commend and celebrate the accomplishments of Jedidiah B. Glascock of the Boy Scouts of America on the memorable and historic occasion of his attainment of the prestigious rank of Eagle Scout.

HOUSE CONCURRENT RESOLUTION NO. 35—

BY REPRESENTATIVE BRUNEAU

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Commodore Thomas J. Lupo of New Orleans and to recognize his outstanding accomplishments.

HOUSE CONCURRENT RESOLUTION NO. 36—

BY REPRESENTATIVE TOOMY

A CONCURRENT RESOLUTION

To commend Maxine "Pudge" Doucet upon being named Louisiana State Alliance for Health, Physical Education, Recreation and Dance (AHPERD) Adapted Physical Activity Teacher of the Year.

HOUSE CONCURRENT RESOLUTION NO. 37—

BY REPRESENTATIVE STRAIN

A CONCURRENT RESOLUTION

To recognize May 8, 2005, through May 14, 2005, as Food Allergy Awareness Week.

HOUSE CONCURRENT RESOLUTION NO. 38—

BY REPRESENTATIVE FRITH

A CONCURRENT RESOLUTION

To commend Daniel E. Mobley upon his retirement as president and chief executive officer of the Louisiana Travel Promotion Association.

HOUSE CONCURRENT RESOLUTION NO. 40—

BY REPRESENTATIVE ERDEY AND SENATOR FONTENOT

A CONCURRENT RESOLUTION

To commend and celebrate the accomplishments of Joshua G. Daugherty of the Boy Scouts of America on the memorable and historic occasion of his attainment of the prestigious rank of Eagle Scout.

HOUSE CONCURRENT RESOLUTION NO. 42—

BY REPRESENTATIVE JEFFERSON

A CONCURRENT RESOLUTION

To commend Bishop Paul S. Morton, Sr. upon the occasion of his thirtieth anniversary as pastor of Greater St. Stephen Full Gospel Baptist Church.

HOUSE CONCURRENT RESOLUTION NO. 45—

BY REPRESENTATIVE WINSTON AND SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To express the sincere and heartfelt condolences of the Legislature of Louisiana upon the death of Lance Corporal Justin Daniel McLeese.

HOUSE CONCURRENT RESOLUTION NO. 46—

BY REPRESENTATIVE SALTER AND SENATOR HINES

A CONCURRENT RESOLUTION

To recognize May 3, 2005, as Junior League Day.

HOUSE CONCURRENT RESOLUTION NO. 47—

BY REPRESENTATIVE SALTER

A CONCURRENT RESOLUTION

To recognize May 4, 2005, as State Employee Recognition Day.

HOUSE CONCURRENT RESOLUTION NO. 48—

BY REPRESENTATIVES HUNTER, DORSEY, BADON, BAYLOR, BURRELL, K. CARTER, CRAVINS, CURTIS, GALLOT, GLOVER, GRAY, E. GUILLORY, HONEY, JACKSON, JEFFERSON, LAFONTA, MARCHAND, MORRELL, PIERRE, QUEZAIRE, RICHMOND, AND SHEPHERD AND SENATORS BAJOE, BROOME, CRAVINS, DUPLESSIS, FIELDS, JACKSON, JONES, AND MURRAY

A CONCURRENT RESOLUTION

To commend Ambassador Andrew Young and to welcome him to the state of Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 49—

BY REPRESENTATIVES DURAND, ALEXANDER, BALDONE, BAUDOIN, CAZAYOUX, CRAVINS, DARTEZ, DOVE, FAUCHEUX, FRITH, GEYMAN, E. GUILLORY, M. GUILLORY, HEBERT, JOHNS, KLECKLEY, LAFLEUR, LAMBERT, MORRISH, PIERRE, PINAC, PITRE, QUEZAIRE, ROBIDEAUX, ROMERO, SMILEY, GARY SMITH, JACK SMITH, ST. GERMAIN, TRAHAN, TRICHE, WALKER, AND WOOTON AND SENATORS AMEDEE, CAIN, CHAISSON, CRAVINS, DUPRE, B. GAUTREAUX, N. GAUTREAUX, MARIONNEAUX, MICHOT, MOUNT, ROMERO, AND THEUNISSEN

A CONCURRENT RESOLUTION

To recognize July 28, 2005, as a Day of Commemoration of the Great Upheaval in recognition of the suffering of the Acadian people and to encourage statewide observance of this special day.

HOUSE CONCURRENT RESOLUTION NO. 55—

BY REPRESENTATIVE GALLOT AND SENATOR KOSTELKA

A CONCURRENT RESOLUTION

To recognize Saturday, May 7, 2005, as Air Force ROTC Detachment 311 Day and to commend Air Force ROTC Detachment 311 of Grambling State University.

HOUSE CONCURRENT RESOLUTION NO. 57—

BY REPRESENTATIVE LANCASTER AND SENATOR JONES

A CONCURRENT RESOLUTION

To commend Allen H. Reynolds upon his retirement as director of the Louisiana Department of State Civil Service and to recognize his contributions during more than three decades of highly productive public service.

HOUSE CONCURRENT RESOLUTION NO. 59—

BY REPRESENTATIVE KLECKLEY

A CONCURRENT RESOLUTION

To commend Dr. Aretta J. Rathmell of Lake Charles for receiving the Edward H. Knight, M.D. Lifetime Achievement Award presented by the Louisiana Psychiatric Medical Association and for her outstanding contributions in the field of mental health throughout her career.

HOUSE CONCURRENT RESOLUTION NO. 60—

BY REPRESENTATIVE ERDEY AND SENATOR FONTENOT

A CONCURRENT RESOLUTION

To commend Michael Chase Courtney of Holden upon attaining the rank of Eagle Scout.

HOUSE CONCURRENT RESOLUTION NO. 61—

BY REPRESENTATIVE BOWLER AND SENATOR LENTINI

A CONCURRENT RESOLUTION

To commend Betty Vollenweider Reed upon the occasion of her retirement as a third grade teacher at St. Rita School in Harahan.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

Leaves of Absence

The following leaves of absence were asked for and granted:

Hollis 1 Day

Adjournment

Senator Bajoie moved that the Senate adjourn until Tuesday, May 3, 2005, at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Tuesday, May 3, 2005.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk